

FILED

UNITED STATES COURT OF APPEALS

OCT 03 2006

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

MERRILL LYNCH, PIERCE, FENNER  
AND SMITH, INCORPORATED, a  
corporation organized and existing under the  
laws of the State of Delaware with its  
principal place of business in New York,  
New York,

Plaintiff - Appellee,

v.

ENC CORPORATION; SUNTRUST  
INVESTMENT CO., S.A., a corporation  
organized and existing under the laws of  
Switzerland with an address at rue de  
Jargonnant 2, P.O. Box 76, 1211 Geneva 6,  
Switzerland; JOHN K. BURNS, a citizen of  
the United States, with an address at 300  
Wacker Drive, Suite, 900, Chicago, Illinois,  
60606; THE ESTATE OF FERDINAND E.  
MARCOS; IMELDA R. MARCOS;  
FERDINAND R. MARCOS, JR.; MARIA  
IMELDA MARCOS; IRENE MARCOS  
ARANETA; FRONTIER RISK CAPITAL  
MANAGEMENT, L.C.C., a limited liability  
company organized and existing under the  
laws of the States of Nevada, with a  
registered office at 6100 Neil Road, Suite  
500, Reno, NV. 89511 and an address at 300  
Wacker Drive, Suite 900, Chicago, IL 60606;  
GROSVENOR CAPITAL LTD., a company  
organized and existing under the law of the

No. 04-16401

No. 04-16503

No. 04-16538

ORDER

RECEIVED  
CLERK U.S. DISTRICT COURT

APR 11 2007

DISTRICT OF HAWAII

United Kingdom, with an address at Grosvenor Gardens House, Suite 117, 35-37 Grosvenor Gardens, London SW1 W OBS, United Kingdom; THE ESTATE OF ROGER ROXAS; GOLDEN BUDHA CORPORATION, a corporation organized and existing under the laws of the State of Georgia, with a registered office at 710 West First Street, Blue Ridge, Georgia 30513, and a mailing address at 260 Carrollton St., Buchanan, GA 30113,

Defendants,

and,

ARELMA, INC., a corporation organized and existing under the laws of Panama with a permanent address at Ave. Justo Alosemena y Calle 41 Este, No. 40-59 Pte al Colegio Immaculada, Panama 1.Rep.de Panama, and a mailing address at c/o Suntrust Investment Co.S.A., ru de Jargonant 2, P.O. Box 76, 1211 Geneva 6, Switzerland;,

Defendant - Appellant,

MARIANO J. PIMENTEL, on behalf of himself and all other persons similarly situated;,

Defendant - Appellee,

PHILIPPINE NATIONAL BANK,

Defendant - Appellant.

Before: NOONAN, Circuit Judge.

Appellant PCGG's motion for a stay of mandate pending the filing of a petition for a writ of certiorari in the United States Supreme Court is GRANTED.